

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ROSIE MORELOS BENAVIDES,
et al.,

Plaintiffs,

v.

Civ. No. 22-584 KRS/GBW

KEN LADNER, *et al.*,

Defendants.

ORDER TO SHOW CAUSE

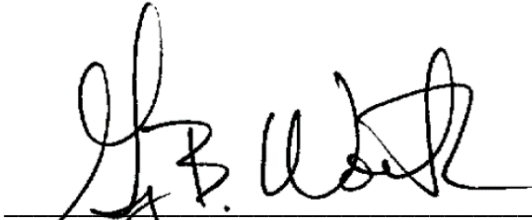
THIS MATTER is before the Court *sua sponte*. Plaintiffs filed suit against numerous Defendants on July 6, 2022, *see doc. 1-1* at 1, and the case was removed to federal court on August 5, 2022, *see doc. 1*. Federal Rule of Civil Procedure 4(m) provides, in relevant part:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

In removed cases, the time for tolling the 90-day period begins upon the date of removal. *See* 28 U.S.C. § 1448. More than 90 days have elapsed since this action was removed to district court, and there is no indication that Defendant Danny Madrid has been served.

Plaintiffs are therefore directed to show cause why their case should not be dismissed without prejudice as to Defendant Madrid for failure to comply with the service and time provisions of Rule 4(m). Plaintiffs' response to the Court's Order to Show Cause should be filed no later than **December 9, 2022**.

IT IS SO ORDERED.



GREGORY B. WORMUTH
CHIEF UNITED STATES MAGISTRATE JUDGE